

Congress of the United States

Washington, DC 20515

July 20, 2004

The Honorable Nikki L. Tinsley, Inspector General
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Inspector General Tinsley,

We are deeply concerned about the rulemaking process for regulation of “solvent-contaminated industrial wipes.” On November 20, 2003, the Environmental Protection Agency proposed new conditional exemptions for these wipes from solid and hazardous waste requirements.¹ This proposal represents a change in course regarding the federal regulations governing the handling of soiled reusable shop towels. Serious concerns have been raised about the process EPA used to develop this proposal. We are writing to request your assistance in developing a better understanding of this matter.

Based on what we know from a *Washington Post* article on the subject, it seems that in developing the proposal, EPA conducted public participation in an inappropriate and one-sided manner.² Apparently, the industrial laundry industry obtained extensive access to agency decision-makers, while other stakeholders, including representatives for workers, environmental concerns, and other affected industries, were neglected.

We are concerned that the full extent of the contacts between EPA officials and staff and outside entities with regard to this matter is not known. According to representatives of workers employed in industrial laundries, EPA’s practice prior to the summer of 2001 had generally been to disclose EPA’s contacts with stakeholders interested in federal regulation of solvent-contaminated industrial wipes. However, the worker representatives indicate that in the summer of 2001, EPA began limiting such disclosures. The investigation by the *Washington Post*, as well as communications from the laundry industry to its members, indicate that there were a large number of meetings, telephone conversations, and written communications between industrial laundry representatives and EPA officials. However, it appears that EPA has not made many of these contacts public through the rulemaking docket.

There is also evidence that EPA gave industrial laundries representatives, but no other interested stakeholders, the opportunity to view and comment on EPA’s decisions and at least some draft language for the proposal.

¹U.S. EPA, *Hazardous Waste Management System: Identification and Listing of Hazardous Waste: Conditional Exclusions from Hazardous Waste and Solid Waste for Solvent-Contaminated Industrial Wipes, Proposed Rule*, 68 Fed. Reg. 65586 (Nov. 20, 2003).

²See *Fundraiser Denies Link Between Money, Access*, *Washington Post*, A1, (May 17, 2004).

In light of the change in EPA policy represented by the proposal and the concerns raised by the *Washington Post* story and other stakeholders with an interest in this rulemaking, we believe it is critical to better understand this matter. Specifically, the public needs to know whether EPA's process for developing the November 20, 2003, proposal complied with all legal requirements for rulemaking, all internal EPA requirements and practices for open government, and established federal practices to avoid the appearance of favoritism or undue influence in agency decision-making processes. It is also important to document the full extent of the contacts between EPA officials and staff and representatives of the industrial laundry industry, and to clarify, to the extent possible, the degree of influence that the industrial laundry industry had in the outcome of the proposal.

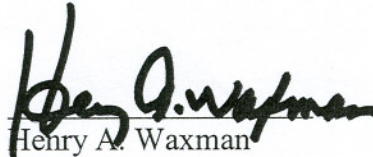
Thus, we request that you investigate the process by which EPA developed this proposal with respect to these key questions.

We look forward to hearing from you on this important matter. Thank you for your consideration of this request.

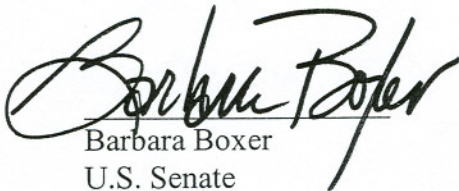
Sincerely,



Rosa L. DeLauro
Member of Congress



Henry A. Waxman
Member of Congress



Barbara Boxer
U.S. Senate



Hillary Rodham Clinton
U.S. Senate